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**Perkins Management Services Company and UNITE
HERE Local 1.** Case 13–CA–210664

July 19, 2018

DECISION AND ORDER

BY MEMBERS PEARCE, MCFERRAN, AND KAPLAN

The General Counsel seeks a default judgment in this case on the ground that Perkins Management Services Company (the Respondent) has failed to file an answer to the complaint. Upon a charge filed on November 29, 2017, by UNITE HERE Local 1 (the Union), the General Counsel issued a complaint on March 6, 2018, against the Respondent, alleging that it has violated Section 8(a)(5) and (1) of the National Labor Relations Act. The Respondent failed to file an answer.

On June 8, 2018, the General Counsel filed with the Board a Motion for Default Judgment, with exhibits attached. Thereafter, on June 12, 2018, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent filed no response. The allegations in the motion are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on Motion for Default Judgment

Section 102.20 of the Board's Rules and Regulations provides that the allegations in a complaint shall be deemed admitted if an answer is not filed within 14 days from service of the complaint, unless good cause is shown. In addition, the complaint affirmatively stated that unless an answer was received by March 20, 2018, the Board may find, pursuant to a motion for default judgment, that the allegations in the complaint are true. Further, the undisputed allegations in the General Counsel's motion disclose that the Region, by letter dated May 29, 2018, notified the Respondent that unless an answer was received by June 5, 2018, a motion for default judgment would be filed. Nevertheless, the Respondent failed to file an answer.

In the absence of good cause being shown for the failure to file an answer, we deem the allegations in the complaint to be admitted as true, and we grant the General Counsel's Motion for Default Judgment.

On the entire record, the Board makes the following

FINDINGS OF FACT

I. JURISDICTION

At all material times, the Respondent has been a corporation with an office and place of business in Chicago, Illinois, and has been engaged in the business of providing food and beverage services to colleges and universities.

During the last calendar year, the Respondent, in conducting its business operations described above, purchased and received at its Chicago, Illinois, facility goods valued in excess of \$50,000 directly from points outside the State of Illinois.

We find that the Respondent is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act, and that the Union is a labor organization within the meaning of Section 2(5) of the Act.

II. ALLEGED UNFAIR LABOR PRACTICES

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of the Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Barry McCauley, Jr.—Executive Vice President

Tonya Ford—Human Resources Director

The following employees of the Respondent (the unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act

All full and part-time cooks, grill cook, prep cooks, catering attendants, catering leads, cashiers, lead utility, FSW, utility supervisors, kitchen supervisors, and sous chefs, at Chicago State University located 9501 Martin Luther King Drive, Chicago, Illinois excluding managers, confidential and clerical employee, office/professional employees and guards as defined in the National Labor Relations Act.

Since about July 10, 2017, and at all material times, the Respondent has recognized the Union as the exclusive collective-bargaining representative of the unit. This recognition has been embodied in a collective-bargaining agreement effective from August 1, 2015, to September 1, 2019.

At all times since July 10, 2017, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the unit.

Since about September 25, 2017, the Union has requested in writing that the Respondent furnish it with the following information: an electronic list in Excel format

of all employees in the bargaining unit at Perkins at Chicago State University, including each employee's name, social security number, department, location, job title, hire date, rate of pay, status (full time, part time, etc.), address, telephone number, ethnicity, gender, and date of birth.

With the exception of employee social security numbers, the information requested by the Union is necessary for and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the unit.¹

Since about September 25, 2017, the Respondent has failed and refused to furnish the Union with the requested information described above.

CONCLUSION OF LAW

By the conduct described above, the Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(5) and (1) of the Act, and has thereby engaged in unfair labor practices affecting commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDY

Having found that the Respondent has engaged in certain unfair labor practices, we shall order it to cease and desist and to take certain affirmative action designed to effectuate the policies of the Act. Specifically, having found that the Respondent violated Section 8(a)(5) and (1) by failing and refusing to furnish the Union with certain information that is relevant and necessary to its role as the exclusive collective-bargaining representative of the unit employees, we shall order the Respondent to furnish the Union with the information it requested since about September 25, 2017, with the exception of employees' social security numbers.

ORDER

The National Labor Relations Board orders that the Respondent, Perkins Management Services Company, Chicago, Illinois, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Refusing to bargain collectively with UNITE HERE Local 1 (the Union) by failing and refusing to furnish it with requested information that is relevant and necessary to the Union's performance of its functions as

the collective-bargaining representative of the Respondent's unit employees.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Furnish to the Union in a timely manner the information requested by the Union on September 25, 2017, with the exception of employees' social security numbers.

(b) Within 14 days after service by the Region, post at its facility in Chicago, Illinois, copies of the attached notice marked "Appendix."² Copies of the notice, on forms provided by the Regional Director for Region 13, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since September 25, 2017.

(c) Within 21 days after service by the Region, file with the Regional Director for Region 13 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C. July 19, 2018

Mark Gaston Pearce, Member

Lauren McFerran, Member

¹ In the absence of a showing here of their potential or probable relevance, we deny the General Counsel's motion with respect to the Respondent's failure to provide social security numbers, and remand that issue to the Region for further appropriate action. *Bookbinder's Seafood House, Inc.*, 341 NLRB 14, 15 fn. 1 (2004).

² If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

Marvin E. Kaplan, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

APPENDIX

NOTICE TO EMPLOYEES

POSTED BY ORDER OF THE

NATIONAL LABOR RELATIONS BOARD

An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT refuse to bargain collectively with UNITE HERE Local 1 (the Union) by failing and refusing to furnish it with requested information that is rele-

vant and necessary to the Union's performance of its functions as the collective-bargaining representative of our unit employees.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL furnish to the Union in a timely manner the information it requested on September 25, 2017, with the exception of employee social security numbers.

PERKINS MANAGEMENT SERVICES COMPANY

The Board's decision can be found at www.nlrb.gov/case/13-CA-210664 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

